G R S 58]

Previous references
Jul 19-1384457 dear 1913
—00—8832 —00— 1915.
(Municipal)

Later references

Jul File No 75-15

Serial Nos 2-4

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2-4

Part B for September 1915

SUBJECT

Protest by Mr C V Narasimhayya, Advocate, Bangalore City, against the alleged inclusion of the name of his son Mr Venkoba Rao in the list of candidates for election as Non-Official members of the Municipal Council.

Papers filed. As the Record of the Bangalore Municipality reported that Mr Venkoba Rao has since withdrawn his application for election for other reasons.

GPE—10 CM—23-8-15

2919 901

G R S. 11] 4/15- 1916

GENERAL AND REVENUE SECRETARIAT

Home 6.

NOTES

File No 75-15-

FILL HEADING

Municipal Elections, Bangalore City

From

Mr. C V Narasimmiengar - Advocate, Bangalore City

No - Dated 31 8 15 Received 31 8 1915

Diary No 901	Enclos 1	Spare Copies -	Serial No 2

BRIEF ABSTRACT OF LETTER

Protests against the alleged inclusion of the name of Mr. Davis of Messrs. Spencer and Co. in the list of Candidates for election in No. I Palace Division at the ensuing elections of Munb. Commrs.

NOTES AND ORDERS

S & T

1) The petition is not stamped.
2) The name of the firm Messrs. Spencer & Co. appears both in the list of "voters" as well as in the list of "gentlemen to be elected as Munb. Commrs, and Mr. Davis as agent of Mess

NOTES—First Sheet.

GPB—20 000 8 8 14

G R S 12]
General and Revenue Secretariat
Rb File No 75 of 1915

Serial No

of that Firm as very probably considered as deriving the necessary qualifications to vote and to stand for election under sub-cls VIII (a) and VIII proviso (a) of the Municipal Election Rules, earlier than under sub-cl (a) cl III thereof as understood by Mr Narasimhaiyar In the former case no residential qualification is necessary But, the said proviso only entitles a Firm to have the name of its representative entered in the list of voters. The Firm does not however seem to have exercised that right under sec 12 cl (2) no person who is not enrolled in the Electoral roll is entitled to vote and under sec 12 cl (c) persons qualified to be candidates are entered in the voters' list It is therefore for consideration whether the omission on the part of the said Firm to have the name of Mr Davis entered in the list of voters disqualifies Mr Davis from being a Candidate

3) under sub-cl 9 VI of the Election rules every order passed by the Municipal President about the revision of voters list is final It is doubtful if that rule applies to the present case where candidature itself is questioned

NOTE—Contn sheet.

2,000—2-3-15

G R S 12]

General and Revenue Secretariat | Rl File No 75 of 1915

Serial No

4) If Mr. Krishnaswamy has any objection to the Candidature of Mr. Davis, the only Course left for him seems to be to Contest the point under Sec 22 of the Munic. Regs. It is doubtful if Govt. Can interfere

MAS 31/8/15 The case seems to fall under Section 13 (1) and (2) of the Regulation - The firm of Messrs. No. or their agent & manager were entitled to have their name entered in the Election Roll, but since the said right was not exercised by either, neither of them is entitled to vote under 13 (2)

6 The irregularity, if admitted, has to be rectified beforehand and it seems necessary to at once advise the Municipal Council on the subject - This is an irregularity which a Court cannot, afterwards, take into account - Vide Explanation Sub Section (5) to Section 22 of the Regulation, in deciding the Validity of the election.

31/8/15

NOTE--Contn sheet

GPB—25 000 —22-3 1

G R S 12]

General and Revenue Secretariat

Rel File No 75 of 1915

Serial No

7) draft proceedings and state Post that Mrs Davis is not entitled to vote or to stand for election unless Messrs Spencer & Co have got his name entered in the list of voters under the provisions to Rule 4 of the Election Rules

Mrs
1/9

8) Draft submitted for orders

Mrs
1.9.15

The proceedings noted thereon is the only one necessary to validate Mrs Davis' Candidature under the Rules, & if it has been done subsequent to the publication of the list of voters there would be no irregularity to be found with the Case

Mrs
1/9

Rec'd 4

9) The Draft may be approved

Mrs
1/9/15

Mrs Davis

11 41
1915

10) Draft ordered & approved by Mrs Davis.
2 9 15

Mrs
1/9/15

Mrs Todas
1/9

NOTE—Contn. sheet.

GPE—25,000—30-4-15

General and Revenue Secretariat | Rl File No 75 of 1915

Serial No	
3	12 Letter No 1803 Dt 3 9 1915 to the President, Bangalore City Municipal Council forwards the petition for report, and invites his attention to the procedure prescribed in the proviso to rule 4 of the Mysore Election Rules for enabling persons or Agents of persons to vote at or claim for Municipal elections.
4	13 Letter No 56 Dt 7. 9 1915 from the Municipal President States in reply, that Mr Davis once withdrew his Candidature for other reasons. 14 Submitted so far as Mr C V. Narasimhaiyar is concerned, his object has been gained by Mr Davis himself withdrawing from the Municipal Elections But the point about the correct interpretation of the Election Rules remains still undecided viz whether under Rule 4 Cls VII (b) and VIII Proviso (a) a firm has only the right to have the name of its agent entered in the list of voters on its behalf subject to the three limit fixed in Rule 9 Cl (1) or whether such entry can be made at any time before the election without any such time limit The President interprets it

NOTE—Contn. sheet

GPB—25,000—30-4-15

General and Revenue Secretariat

File No 75 of 1915

Serial No

in the latter way. If a definite ruling on these points is considered desirable, the Govt Advocate may be consulted in the matter.

Dated 17.9.15

17/9

(15) Submitted for perusal.

No papers may be taken out of the Chancery Law Chamber except in connection with the pending Law cases

20/9/15

1592
21-9-15

28-9-15

28/9/15

NOTE—Contin. sheet.

G.P.B.—25,000—30-4-15.

S 7

G R S 26]

SUBJECT Re Mr. Davis' Candidature for No. I Palace Div. of the Bangalore City for purposes of Munic. elections.

Diary No of letter replied to 907

General and Revenue Secretariat
(Munic.)
Dy, the 1 9 1915

Date of issue 2 9 15

Signed by Mr. A.K. Ramanathan

Section 75-15
File No
Serial No 3

No 1803
Mc 75-15-3 2 9 15

To
The President, Bangalore
City Munic. Council

Sir,

I am directed to forward herewith for your report a copy of petition Regd. No. 901 dated the 31st Aug. 1915 from Mr. C. V. Narasimha Iyengar, Advocate, protesting against the acceptance of the candidature of Mr. Du

our

Mc 7/9/15

89

of Messrs Spencer & Co for
No I Palace Div in connection
with the ensuing Municipal
elections.

2) Am to state whether, if
Mr Davis is not entitled
to vote or to stand for election
unless Messrs Spencer and
Co have got his name
entered in the list of voters
under the proviso to rule 4
of the Munic. Election Rules.

I have the
honour to
state that the
lists are correct

2. I am to invite your attention, in this connection, to the procedure prescribed in the proviso to rule 4 of the Municipal Election Rules for enabling Managers or Agents of Firms to vote at, or stand for, Municipal elections.

2.9.15

Rd

Rd
1/9/15

Am
1/9 For Rd. Secy

List of enclosures

Copied by

Examined by

GPB—20 000—14 2-14

D 1103
Rev 75-15-4

9

No 56

OFFICE OF THE PRESIDENT MUNICIPAL COUNCIL

Bangalore City, dated 7th September 1915

Enclo 3

From

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~*General &*~~ *Revenue Departments, Bangalore*

SIR,

P

With reference to your letter No.1803/Ml. 75-15 dated the 2nd September 1915 forwarding for report a petition from Mr. C.V. Narasimha Iyengar, -- Advocate, protesting against the candidature of Mr. Davis, Agent of Messrs. Spencer and Co., for No.1 - {Palace Division}, in connection with the current -- Municipal Elections, I have the honor to forward herewith for the information of Government copy of a -- letter which was intended to be sent to Mr. Narasimha Iyenger in reply to a similar protest received from him, but which became unnecessary as Mr. Davis withdrew his candidature for other reasons.

2 Mr. C.V. Narasimha Iyengar's petition is herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

K P Puttannachetty

Honorary President.

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

In [redacted] Mul 75-30-2

Pol 31/8/15

Received back as enclosure

To,

The Secretary

to the Government of H.H. the Maharaja

of Mysore, B A N G A L O R E .

Revenue Department

Re - the Election of a Municipal Councillor

to No. I Palace Division.

Sir,

I respectfully beg to submit that I stand as a candidate for election for No. I Division with Mr. Davis of Messrs Spencer & Co . This gentleman is I understand employed under Messrs. Spencer & Co. on a salary of Rs550/- per month and is residing within the limits of the C & M Station, Bangalore.

S & T

Messrs. Spencer & Co. have a branch shop in the Taluk Cutchery Road and their name as a firm appears in the list of voters and candidates now governing the election. This however does not qualify him personally to be a voter much less a candidate in as much as under the Election Rules he must be a resident within the Municipal limits to have his name entered in the list of voters and that within the time provided by the Rules. He has, however, not get his name so entered and the Municipal Election Roll now in operation is without his name Despite this fact the Honorary President of the City Municipal Council has treated him as eligible for the election to be held on the 3rd September 1915.

not necessary if under 4 of Rule 61

As this action is opposed to the law and the Rules governing the subject I have entered my protest

protest by a letter of this date to the Honorary President copy of which is submitted herewith - for information.

I pray that under these circumstances the Government may be pleased to direct the election to be held without his name or to postpone the - election pending final orders.

I beg to remain,
Sir,
Your most obedient servant,

Bangalore City,
31 - 8 - 1915.

31 - 8 - 25

Rec'd 5-15-4

To,

Rajasabhabhushana,

Dewan Bahadur K.P. Puttanna Chettiar, Esq.,

Honorary President,

City Municipal Council,

B A N G A L O R E .

Dear Sir,

As regards Mr. W. Davis' offer to stand for election for No. I Division I am informed that you have accepted his candidature but I submit that this abhorrent to the Rules and I therefore feel bound to enter my protest and that for the following reasons:-

It can be definitely established with reference to the election Rules and the provisions of the Municipal Regulation that no one can be a candidate unless he is qualified to be a voter, and this gentleman cannot be a voter, in as much as he as a servant of Messrs. Spencer & Co. drawing a salary of Rs.550/- a month. and clause (iii) of Rule 4 and its proviso specifically require that such a person should have been a resident within the City Municipal limits.

Further under the said proviso if any person possesses